



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

CHAN

February 5, 2015

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Rishi Gobin**
Tax Registry No. 946645
Police Service Area 2
Disciplinary Case No. 2012-8486

The above named member of the service appeared before Deputy Commissioner Rosemarie Maldonado on September 18 and November 12, 2014, and was charged with the following:

DISCIPLINARY CASE NO. 2012-8486

1. Said Police Officer Rishi Gobin, while assigned to the 42nd Precinct, on or about September 12, 2012, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer caused a false entry to be made in Department business records.

P.G. 203-10, Page 1, Paragraph 5

GENERAL REGULATIONS

2. Said Police Officer Rishi Gobin, while assigned to the 42nd Precinct, on or about September 12, 2012, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer reported false information regarding an alleged occurrence of an offense or incident which did not in fact occur.

P.G. 203-10, Page 1, Paragraph 5

GENERAL REGULATIONS

In a Memorandum dated December 31, 2014, Deputy Commissioner Rosemarie Maldonado found the Respondent Guilty of Specification Nos. 1 and 2 in Disciplinary Case No. 2012-8486. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

Police Officer Gobin's misconduct in this matter warrants his separation from the Department. However, with consideration of his prior service, reason for temperance against an outright dismissal from the Department is presented and I will permit an alternative manner of separation from the Department for Police Officer Gobin at this time.

POLICE OFFICER RISHI GOBIN

DISCIPLINARY CASE NO. 2012-8486

It is therefore directed that an *immediate* post-trial negotiated agreement be implemented with Police Officer Gobin, in which he shall immediately file for vested-interest retirement, forfeit thirty-two (32) suspension days (previously served), be placed on one (1) year dismissal probation, waive all time and leave balances, including terminal leave, if any, and waive all suspension days, with and without pay, if any, and retire from the Department while on Suspended Duty status.

Such negotiated agreement shall also include Police Officer Gobin's written agreement not to initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Police Officer Gobin does not agree to the terms of this negotiated agreement as noted, this Office is to be notified without delay. This agreement is to be implemented ***IMMEDIATELY.***


William J. Bratton
Police Commissioner



POLICE DEPARTMENT

December 31, 2014

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In the Matter of the Charges and Specifications : Case No.
- against - : 2012-8486
Police Officer Rishi Gobin :
Tax Registry No. 946645 :
Police Service Area 2 :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Rosemarie Maldonado
Deputy Commissioner Trials

APPEARANCE:

For the Department: Jaime Moran, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: Stuart London, Esq.
Worth, Longworth & London, LLP
111 John Street - Suite 640
New York, NY 10038

To:

HONORABLE WILLIAM J. BRATTON
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

The above-named member of the Department appeared before the Court on September 18, and November 12, 2014, charged with the following:

1. Said Police Officer Rishi Gobin, while assigned to the 42nd Precinct, on or about September 12, 2012, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer caused a false entry to be made in Department business records. P.G. 203-10, Page 1, Paragraph. 5
GENERAL REGULATIONS
2. Said Police Officer Rishi Gobin, while assigned to the 42nd Precinct, on or about September 12, 2012, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer reported false information regarding an alleged occurrence of an offense or incident which did not in fact occur.
P.G. 203-10, Page 1, Paragraph. 5 – GENERAL REGULATIONS

The Department was represented by Jaime Moran, Esq., Department Advocate's Office, and Respondent was represented by Stuart London, Esq. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Detective Richard Thomas and Sergeant Kevin Blake as witnesses. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

After evaluating the testimony and evidence presented at the hearing, and assessing the credibility of the witnesses, this tribunal finds Respondent Guilty of the charged misconduct and recommends termination as the appropriate remedy.

FINDINGS AND ANALYSIS

The following facts are undisputed. Respondent has been married for 16 years and has [REDACTED]. In 2012, Respondent erroneously concluded that his wife was having an affair. She denied the accusation when confronted, but he remained convinced. As a result, he developed schemes to get her to confess which included calling his wife as

a third person and demanding \$5,000 to hide her affair. He eventually put together another plan that he thought would result in them reconnecting as a couple. He executed that plan on September 12, 2012. (Tr. 58-62, 65, 80-83)

On the date at issue, Respondent injured himself in his home in [REDACTED] and called 911. He told the 911 operator that he was a member of service and that two black men wielding a knife had broken into his home. He reported being punched in the face and stabbed during a physical altercation. Respondent told the 911 operator that he was bleeding from his right side by his abdomen. He seemed to be in significant distress during the call and at one point the operator thought that he might have lost consciousness. (Tr. 62, 76; Dept. Ex. 2)

EMS was immediately dispatched and Respondent was taken to [REDACTED] Hospital. A radio call went out that a member of service was in need and that he had been the victim of a home invasion robbery. This became a high priority case and a number of police officers responded to assist their colleague. Detective Richard Thomas visited Respondent at [REDACTED] Hospital and interviewed him in the emergency room. At the time, Detective Thomas believed that Respondent had been the victim of a crime. (Tr. 14-16, 23-24, 29) Respondent described the fabricated perpetrators and provided the following account which was memorialized by Detective Thomas in a DD5 Complaint Report (Tr. 77):

On September 12, 2012, at approximately 1330 hours, I was present at [REDACTED] Hospital with Rishi Gobin the complainant in this case. The complainant states that he was at home at [REDACTED] when he heard the doorbell ring. The complainant states that when he went to the door there were two unknown male blacks approximately 25 to 30 years old 6'1" to 6'5" both wearing white t shirts black jeans and white sneakers. When the complainant opened the door one perp stated "where is the money?" The complainant states that he asked "What are you talking about?" and the perp punched him in the face and pushed into the house.

The complainant began to fight with the perps and believes that he may have lost consciousness. The complainant further states that he is not sure how long the perps were in the house and when the perps left he called 911. The complainant further states that he does not recall seeing any weapons that the perps had. (Dep. Ex. 1)

This information went out on the radio and a level one citywide mobilization of police officers was put into effect. (Tr. 15, 28-29, 36)

Respondent was examined by the doctors at [REDACTED] Hospital and had a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Commissioner Ray Kelly visited Respondent in the hospital. (Tr. 35, 75-76, 79)

Sergeant Kevin Blake was assigned to investigate this incident. He quickly obtained and viewed the footage from a neighbor's security camera. The camera had captured the only entrance into and out of Respondent's home. Upon review, Sergeant Blake determined that no individuals fitting the description provided by Respondent had entered or exited his home. Accordingly, he concluded that Respondent had not been the victim of a crime. (Tr. 42-44)

IAB conducted an investigation. At his GO-15 Interview, Respondent admitted that he had not been the victim of a crime and that he had simulated being stabbed to make his wife feel sorry for him. (Tr. 62) Respondent was placed on modified assignment and assigned to a VIPER unit in Brooklyn. He was arrested in 2012 and ultimately pled guilty to a disorderly conduct violation for which he was sentenced to ten days of community service. (Tr. 66-68)

As set forth in detail above, Respondent did not dispute the underlying facts supporting the charges. Accordingly, this tribunal finds that Respondent engaged in the charged misconduct and is guilty of the charges.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. *See Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 8, 2008. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

At the hearing, Respondent advocated for a penalty short of termination and testified to mitigating factors for this tribunal's consideration. He explained that he was having an emotional breakdown because he thought he was going to lose his wife and his family. Respondent claims that he [REDACTED] for about a year and that this type of situation would not be repeated. In support of his belief that he can still be a productive officer, Respondent testified that the Brooklyn District Attorney's Office has asked him to testify on a case relating to his current VIPER assignment. Respondent apologized for his actions and said he has been "paying" for this error in judgment for the past two years. He asserted that policing has always been his dream and that 11 members of his family are members of service. (Tr. 64, 69, 71-72)

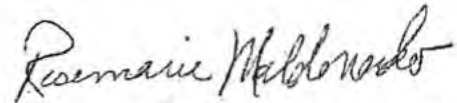
This tribunal understands that in 2012, Respondent was in a fragile state. I also believe that he is remorseful for his actions. Separation from the Department, however, is the only appropriate remedy in this case. Respondent not only reported a fabricated

crime, he also described two fictitious perpetrators which led to a level one citywide mobilization to search for assailants who did not exist. By doing so, Respondent broke the public trust, unnecessarily burdened police and emergency services resources and could have put officers and civilians at risk. One only has to listen to the 911 tape to understand its impact. Particularly striking was the concern expressed by the 911 dispatcher when she thought Respondent had lost consciousness as a result of a stab wound.

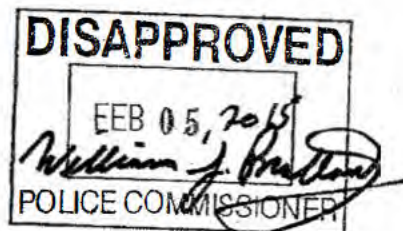
In addition, this tribunal is troubled by Respondent's testimony that he did not actually stab himself before calling 911. At the hearing Respondent claimed that on the day at issue he had a scratch on his side with a scab and that he "peeled back the scab and it bled a little bit." That is the wound that he allegedly used to play the crime victim. (Tr. 63, 74, 76-77) I could not credit Respondent's attempt to establish that he had not stabbed himself or "penetrate[d] [an] object through his body" to create a wound. (Tr. 77) It is important to note that Respondent underwent exploratory surgery at a hospital to determine whether any of his internal organs had been injured as a result of a stab wound. It stretches credulity that an emergency room staff would have conducted exploratory surgery based only on the removal of a scab from a superficial scratch. Respondent's insistence that his only injury was a scratch without a scab only raises concerns about his current state of mind.

Accordingly, this tribunal recommends that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Rosemarie Maldonado
Deputy Commissioner of Trials



POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER RISHI GOBIN
TAX REGISTRY NO. 946645
DISCIPLINARY CASE NO. 2012-8486

Respondent was appointed to the Department on July 8, 2008. His last three annual evaluations were as follows: he received an overall rating of 3.0 "Competent" in 2013, a 3.5 "Highly Competent/Competent" in 2012 and a 3.0 "Competent" in 2011. [REDACTED]

On November 15, 2012, he was suspended for 32 days as a result of this case. On January 23, 2013 he was placed on Level II Discipline Monitoring based on his overall record. He has no prior formal disciplinary record.

For your consideration.



Rosemarie Maldonado
Deputy Commissioner Trials